

**FRESNO UNIFIED SCHOOL DISTRICT
BOARD AGENDA ITEM**

AGENDA SECTION (Check Box Below)			
A CONSENT	B DISCUSSION	C RECEIVE	RECOGNIZE/ PRESENT
	X		

AGENDA ITEM: B-12

Board Meeting
Date: April 24, 2013

ACTION REQUESTED: (Adopt, Approve, Ratify, Discuss, Receive, etc.)	DISCUSS and TAKE ACTION
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TITLE AND SUBJECT: Discuss and Take Action on Request to Oppose Fresno County Office of Education's Application to State Board of Education Seeking a Waiver of the Thirty (30) Day Deadline in Education Code Sections 5091(c) and 5090 to File a Petition for Special Election Regarding the Provisional Appointment for Trustee Area 4

DESCRIPTION/DISCUSSION: Included in the Board binders is a copy of a request received by the District on April 12, 2013 to oppose the application submitted by the Fresno County Office of Education ("FCOE") to the State Board of Education requesting a waiver of Education Code sections 5091(c) and 5090 requiring that a petition for a special election be filed not later than 30 days after a provisional appointment is made to fill a vacancy on the Board. The FUSD Board of Education provisionally appointed Christopher De La Cerda to Trustee Area 4 on November 7, 2012 and within thirty (30) days thereafter, a petition for special election was filed with FCOE seeking to terminate the provisional appointment and fill the Trustee Area 4 vacancy by special election. FCOE rejected the Petition for failing to contain the required number of signatures necessary to order a special election. In its waiver application, FCOE states that its legal counsel incorrectly advised petitioners to obtain signatures from one and one-half percent of the registered voters in Trustee Area 4 when petitioners should have been told to secure signatures equaling one-and one-half percent of the registered voters in the entire District. FCOE now seeks a waiver of the thirty (30) day deadline to allow petitioners to gather the additional number of signatures necessary for the FCOE to order a special election. The request to oppose FCOE's application states that if granted, the waiver would disrupt the last five months of stability in the representation afforded to Trustee Area 4 residents and put the District at risk for more than \$100,000 in costs to conduct a special election.

FINANCIAL SUMMARY: The recommended action has no direct fiscal impact.

PREPARED BY: Michael E. Hanson
(Signature Required)

DIVISION: Superintendent's Office
PHONE: 457-3884

DIVISION APPROVAL:
(Signature Required by Associate Superintendent)

**SUPERINTENDENT'S
APPROVAL:**

April 2, 2013

Valerie Davis
President
Fresno Unified School District
2309 Tulare Street
Fresno, CA, 93721

RECEIVED
Superintendent's Office

APR 12 2013

By Jm

Dear President Davis

We, who have signed this letter, ask that you the Fresno Unified Board of Education to formally consider and oppose the wavier application submitted by Fresno County Board of Education to the California State Board of Education related to the provisional appointment of Christopher De La Cerda, Trustee for Area 4 in Fresno Unified School District.

The waiver specifically seeks to ignore Ed Code 5091(c)(1) " If a provisional appointment is made within the 60-day period, the registered voters of the district may [within 30 days from the date of the appointment,]petition for the conduct of a special election to fill the vacancy.

If approved the waiver would ensure that more than 54,000 constituents in Trustee Area 4 go without representation for several months. This is especially concerning given the critical decisions that will be considered by the Board of Education during this time including; adoption of a budget, allocation of facility bond investments, ratification of labor agreements, and enhancement of academic programs. All of which would greatly impact the 12 schools currently represented by interim Trustee De La Cerda. Moreover, if called a special election would cost more than \$100,000 funds that could be better invested in academic programs.

The Board of Education should be commended for the public process that it undertook in conducting the provisional appointment of Trustee Area 4 which the waiver seeks to undermine. The extensive outreach plan which included, public posting, television and radio stories, phone call to all student households in Area 4, two community meetings in the Area 4, public interviews at a regular board meeting resulted in the selection of Trustee De La Cerda.

In closing, it is important to note that approval of the waiver has the potential to further reduce the diversity of the Board of Education. Again, we urge you to formally consider and oppose the waiver submitted by the Fresno County Board of Education specific to the provisional appointment of Trustee Christopher De La Cerda in Trustee Area 4.

Valerie Davis, President

April 2, 2013

Page 2

Respectfully,

Luisa Medina

Name:

Ruby Valt

Name:

President Central CA Hisp.
Chamber of Commerce.

Jan Ambula

Name:

Blong Xiong

Name: Blong Xiong, Council President

[Signature]

Name:

President of Latino Faculty
Association at
Fresno City College

[Signature]

Name:

Manuel I. Pineda

Name: Ex Bd member

[Signature]

Name:

[Signature]

Name: Commander American GT
Forum-SWC

Name:

[Signature]
President AMAE Fresno Chapter

Name:

Name:

[Signature]

Name:

Education and Leadership Foundation,
President

Name:

Valerie Davis, President

April 2, 2013

Page 2

supported by individuals of the Fresno Community

Respectfully,

Marie Chris Torres

Margaret A Roche

Name:

Valerie Tinoco

Valerie

Name: *TINA TORRES VALLES*

Ana Palomares

Name: *Ana Palomares*

Silvia Palomares

Name:

SILVIA PALOMARES

Silvia Palomares

Name:

Name:

Name:

Marie Chris Torres

Name:

Vanessa Jimenez

Vanessa

Name:

Name:

Name:

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